



General Assembly

January Session, 2009

**Amendment**

LCO No. 6794

**\*HB0643506794HDO\***

Offered by:

REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
REP. O'BRIEN, 24<sup>th</sup> Dist.  
REP. DREW, 132<sup>nd</sup> Dist.  
REP. REEVES, 143<sup>rd</sup> Dist.  
REP. GROGINS, 129<sup>th</sup> Dist.

REP. CARUSO, 126<sup>th</sup> Dist.  
REP. O'ROURKE, 32<sup>nd</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.  
REP. FONTANA, 87<sup>th</sup> Dist.  
REP. HOLDER-WINFIELD, 94<sup>th</sup> Dist.  
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REP. REED, 102<sup>nd</sup> Dist.

To: Subst. House Bill No. 6435

File No. 553

Cal. No. 373

**"AN ACT CONCERNING ELECTION DAY REGISTRATION AND  
PRESIDENTIAL BALLOT PROCEDURES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this  
4 section, "election day" means the day on which a regular election, as  
5 defined in section 9-1 of the general statutes or primary is held.

6 (b) Notwithstanding the provisions of chapter 143 of the general  
7 statutes, a person who (1) is not an elector, and (2) meets the eligibility  
8 requirements under subsection (a) of section 9-12 of the general  
9 statutes, may apply for admission as an elector on election day.

10 (c) (1) The registrars of voters shall have the authority to designate a  
11 location for the completion and processing of election day registration  
12 applications on election day, provided such location shall enable the  
13 registrars of voters to access the state-wide centralized voter  
14 registration system. Such registrars of voters may appoint one or more  
15 election officials to serve at such location and may delegate to such  
16 election officials any of the responsibilities assigned to the registrars of  
17 voters. The registrars of voters shall train and supervise such election  
18 day registration election officials. Any such location designated by the  
19 registrars of voters shall comply with section 9-168d of the general  
20 statutes and shall provide the same opportunity for access and  
21 participation, including privacy and independence, for all voters.

22 (2) No person shall solicit in behalf of or in opposition to the  
23 candidacy of another or himself or in behalf of or in opposition to any  
24 question being submitted at the election or primary, or loiter or peddle  
25 or offer any advertising matter, ballot or circular to another person  
26 within a radius of seventy-five feet of any outside entrance in use as an  
27 entry to the registrars of voters designated location for election day  
28 registration balloting or in any corridor, passageway or other approach  
29 leading from any such outside entrance to such registrars of voters  
30 designated location or in any room opening upon any such corridor,  
31 passageway or approach.

32 (d) Any such application shall be made in accordance with the  
33 provisions of section 9-20 of the general statutes, provided (1) on  
34 election day, the applicant shall appear in person at the location  
35 designated by the registrars of voters for election day registration, (2)  
36 an applicant who is a student enrolled at an institution of higher  
37 education may submit a current photo identification card issued by  
38 said institution in lieu of the identification required by section 9-20 of  
39 the general statutes, and (3) the applicant shall declare under oath that  
40 the applicant has not previously voted in the election or primary, as  
41 applicable. If the information that the applicant is required to provide  
42 under section 9-20 of the general statutes and this section does not  
43 include proof of the applicant's residential address, the applicant shall

44 also submit identification that shows the applicant's bona fide  
45 residence address, including, but not limited to, a United States  
46 passport, a learner's permit or a utility bill that has the applicant's  
47 name and current address and is due not later than thirty days after  
48 the election or primary, as applicable or, in the case of a student  
49 enrolled at an institution of higher education, a registration or fee  
50 statement from such institution that has the applicant's name and  
51 current address. The registrars of voters shall check the state-wide  
52 centralized voter registration system before admitting an applicant as  
53 an elector. If the registrars of voters determine that an applicant is  
54 qualified to register as an elector, the registrars of voters shall admit  
55 the applicant as an elector and privileges shall attach immediately.

56 (e) Notwithstanding the provisions of section 9-21 of the general  
57 statutes, in the event such applicant is an elector in another  
58 municipality and such applicant states that he or she wants to change  
59 the municipality in which the applicant is an elector, the registrars of  
60 voters of the municipality in which such elector now seeks to register  
61 shall immediately notify the registrars of voters in such other  
62 municipality that such elector is changing the municipality in which  
63 the applicant is an elector. The registrars of voters in such other  
64 municipality shall immediately notify the election officials in such  
65 other municipality to remove such elector from the official voter list of  
66 such other municipality. Such election officials shall cross through the  
67 elector's name on such official voter list and mark "off" and remove  
68 such elector's name from the official voter list for such municipality. If  
69 it is reported that such applicant already voted in such other  
70 municipality, the registrars of voters of such other municipality shall  
71 immediately notify the registrars of voters of the municipality in which  
72 such elector now seeks to register. In such event, such elector shall not  
73 receive an election day registration ballot from the registrars of voters  
74 of the municipality in which such elector now seeks to register. For any  
75 such elector, the election day registration process shall cease in the  
76 municipality in which such elector now seeks to register and such  
77 matter shall be reviewed by the registrars of voters in the municipality

78 in which such elector now seeks to register. After completion of such  
79 review, if a resolution of the matter can not be made, such matter shall  
80 be reported to the State Elections Enforcement Commission which  
81 shall conduct an investigation of the matter.

82 (f) If the applicant is admitted as an elector, the registrars of voters  
83 shall provide the elector with an election day registration ballot and  
84 security envelope, subject to the provisions of section 9-59, of the  
85 general statutes and shall make a record of such issuance. The elector  
86 shall fill out an affirmation on the envelope for an election day  
87 registration ballot and shall declare under oath that the applicant has  
88 not previously voted in the election or primary, as applicable. The  
89 affirmation shall be in the form substantially as follows:

90 AFFIRMATION: I, the undersigned, do hereby state, under  
91 penalties of false statement, (perjury) that:

92 1. I am the person admitted here as an elector in the town indicated  
93 (or)

94 2. I am eligible to vote in the election or primary indicated for today  
95 in the town indicated.

96 3. The information on my voter registration card is correct and  
97 complete.

98 4. I reside at the address that I have given to the registrars of voters.

99 5. If previously registered at another location, I have provided such  
100 address to the registrars of voters and hereby request cancellation of  
101 such prior registration.

102 6. I have not voted in person or by absentee ballot and I will not  
103 vote otherwise than by this ballot at this election or primary.

104 7. I apply for an election day registration ballot.

105 (g) The elector shall forthwith mark the election day registration

106 ballot in the presence of the registrars of voters in such a manner that  
107 the registrars of voters shall not know how the election day  
108 registration ballot is marked. The elector shall place the election day  
109 registration ballot in the election day registration ballot envelope  
110 provided, and deposit such envelope in a secured election day  
111 registration ballot depository receptacle. The registrars of voters shall  
112 transport such receptacle to the area where such election day  
113 registration ballots shall be counted. At the time designated by the  
114 registrars of voters and noticed to election officials, the election day  
115 registration ballots issued pursuant to this section shall be delivered to  
116 the area, either district or central, where absentee ballots are counted  
117 and such election day registration ballots shall be counted by the  
118 election officials present at such location. A section of the head  
119 moderators return shall show the number of election day registration  
120 ballots received from electors. The registrars of voters shall seal a copy  
121 of the votes cast on election day registration ballots in the depository  
122 envelope with the election day registration ballots and store such  
123 election day registration envelope with the other election results  
124 materials. The election day registration depository envelope shall be  
125 preserved by the registrars of voters for the period of time required to  
126 preserve counted ballots for elections.

127 (h) The provisions of the general statutes and regulations  
128 concerning procedures relating to the custody, control and counting of  
129 absentee ballots shall apply as nearly as possible, to the custody,  
130 control and counting of election day registration ballots under this  
131 section.

132 (i) After the acceptance of an election day registration, the registrars  
133 of voters shall forthwith send a registration confirmation notice to the  
134 residential address of each applicant who is admitted as an elector on  
135 election day under this section. Such confirmation shall be sent by first  
136 class mail with instructions on the envelope that it be returned if not  
137 deliverable at the address shown on the envelope. If a confirmation  
138 notice is returned undelivered, the registrars of voters shall investigate  
139 and shall take the necessary action in accordance with sections 9-35 or

140 9-43 of the general statutes, as applicable.

141 Sec. 2. Section 9-158a of the general statutes is repealed and the  
142 following is substituted in lieu thereof (*Effective October 1, 2009*):

143 As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, as  
144 amended by this act, and 9-307:

145 (1) "Federal election" means any general or special election or any  
146 primary held solely or in part for the purpose of selecting, nominating  
147 or electing any candidate for the office of President, Vice President,  
148 presidential elector, member of the United States Senate or member of  
149 the United States House of Representatives;

150 (2) "Former resident" means a person who was a bona fide resident  
151 of a town in this state and who has [removed] moved from that town  
152 to another state less than thirty days before the day of a presidential  
153 election and who for that reason is unable to register to vote in the  
154 election in [his] such person's present town or state of residence;

155 (3) "Overseas elector" means any person permitted to vote pursuant  
156 to subsection (b) of section 9-158b;

157 (4) "Presidential election" means an election at which electors of  
158 President and Vice-President are elected;

159 (5) "Resident" means a bona fide resident of a town in this state;

160 (6) "State" includes any of the several states, the District of  
161 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin  
162 Islands; and

163 (7) "United States" includes the several states, the District of  
164 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin  
165 Islands, but does not include American Samoa, The Canal Zone, the  
166 trust territory of the Pacific Islands or any other territory or possession  
167 of the United States.

168 Sec. 3. Subsection (a) of section 9-158b of the general statutes is  
169 repealed and the following is substituted in lieu thereof (*Effective*  
170 *October 1, 2009*):

171 (a) Each citizen of the United States who is at least eighteen years of  
172 age, is a [resident or] former resident and [who] has not forfeited [his]  
173 such citizen's electoral privileges because of a disfranchising crime,  
174 may vote for presidential and vice-presidential electors, but for no  
175 other offices, in the town in this state in which [he resides, or] such  
176 citizen formerly resided in the manner provided in sections 9-158c to 9-  
177 158m, inclusive, as amended by this act.

178 Sec. 4. Subsections (a) and (b) of section 9-158c of the general  
179 statutes are repealed and the following is substituted in lieu thereof  
180 (*Effective October 1, 2009*):

181 (a) [(1)] Not earlier than forty-five days before the election and not  
182 later than the close of the polls on election day, each [resident, or]  
183 former resident who desires to vote in a presidential election under  
184 sections 9-158a to 9-158m, inclusive, as amended by this act, may apply  
185 for a "presidential ballot" to the [municipal clerk] registrars of voters of  
186 the town in which [he] such former resident is qualified to vote on the  
187 form prescribed in section 9-158d, as amended by this act. Application  
188 for a "presidential ballot" may be made in person or absentee, in the  
189 manner provided for applying for an absentee ballot under section 9-  
190 140, except as provided in said sections 9-158a to 9-158m, inclusive, as  
191 amended by this act.

192 [(2)] A municipal clerk shall have the authority to designate a  
193 location in a municipal facility for the distribution, completion and  
194 processing of presidential ballot applications and the distribution,  
195 casting and return of presidential ballots under sections 9-158a to 9-  
196 158m, inclusive, on election day. Such municipal clerk may appoint  
197 one or more presidential ballot assistants to serve at such location, may  
198 delegate to such assistants any of the responsibilities assigned to  
199 municipal clerks under said sections, and shall train and supervise

200 such presidential ballot assistants.]

201 (b) Each overseas elector who desires to vote in a federal election  
202 under subsection (b) of section 9-158b may apply for an overseas ballot  
203 not earlier than (1) the forty-fifth day preceding a federal election  
204 which is a general election or a general election held in conjunction  
205 with a special election, and (2) the thirtieth day preceding a federal  
206 election which is a primary or a federal election which is a special  
207 election not held in conjunction with a general election. Application  
208 shall be made to the [town clerk] registrars of voters of the  
209 municipality in which [he] the elector is so qualified to vote on a form  
210 prescribed in subsection (b) of section 9-158d.

211 Sec. 5. Subsection (a) of section 9-158d of the general statutes is  
212 repealed and the following is substituted in lieu thereof (*Effective from*  
213 *passage*):

214 (a) The application for a presidential ballot shall be a form signed in  
215 duplicate by the applicant under penalty of false statement in absentee  
216 balloting, which shall provide substantially as follows:

217 To the [Town Clerk] Registrars of Voters of the Town of ...,  
218 Connecticut

219 I, the undersigned, declare under penalty of false statement in  
220 absentee balloting that the following statements are true:

221 1. I am a citizen of the United States.

222 2. I have not forfeited my electoral privileges because of conviction  
223 of a disfranchising crime.

224 3. I was born on ..., and on the day of the next presidential election,  
225 I shall be at least 18 years of age. [Check and complete 4 or 5,  
226 whichever applies:]

227 [4. RESIDENT. I am a bona fide resident of the above town, to  
228 which I am making this application, and I reside at ... Street. I moved



229 to said town on the .... day of ..., 20... Before becoming a resident of  
230 said town, I resided at .... Street, in the Town of .... County of ..., State  
231 of ....]

232 [5. FORMER RESIDENT.] 4. I am a former resident of the above  
233 town, to which I am making this application, and resided at .... Street  
234 therein. I moved from such town to my present town and state of  
235 residence on the .... day of ..., 20.., being within thirty days before the  
236 date of the next presidential election, and for that reason I cannot  
237 register to vote in said presidential election in my present town and  
238 state of residence. I am now a bona fide resident of the Town of ..., in  
239 the state of ..., now residing at .... Street therein.

240 [6.] 5. I hereby apply for a "presidential ballot" for the election to be  
241 held on ..., 20... I have not voted and will not vote otherwise than by  
242 this ballot at that election. I am not eligible to vote for electors of  
243 President and Vice-President [in any other town in Connecticut or] in  
244 any other state.

245 [7.] 6. The said ballot is to be given to me personally mailed to me at  
246 .... (bona fide mailing address)

247 Dated at ..., this .... day of .... 20...

248 .... (Signature of applicant)

249 Sec. 6. Subsection (a) of section 9-158e of the general statutes is  
250 repealed and the following is substituted in lieu thereof (*Effective from*  
251 *passage*):

252 (a) A person applying for a presidential ballot in person shall  
253 present: (1) A current and valid photo identification, or (2) a copy of a  
254 current utility bill, bank statement, government check, paycheck or  
255 other government document that shows the name and address of the  
256 voter. The application for a presidential ballot by mail shall be  
257 accompanied by: (A) A copy of a current and valid photo

258 identification, or (B) a copy of a current utility bill, bank statement,  
259 government check, paycheck or government document that shows the  
260 name and address of the voter. Upon receipt of an application for a  
261 presidential ballot under sections 9-158a to 9-158m, inclusive, as  
262 amended by this act, the [clerk] registrars of voters, if satisfied that the  
263 application is proper and that the applicant is qualified to vote under  
264 said sections, shall forthwith give or mail to the applicant, as the case  
265 may be, a ballot for presidential and vice-presidential electors for use  
266 at the election and instructions and envelopes for its return. [At such  
267 time the clerks shall also mail a duplicate of the application to the  
268 appropriate official of (i) the state or the town in this state in which the  
269 applicant last resided in the case of an applicant who is a resident, or  
270 (ii) the state or the town in this state in which the applicant now  
271 resides in the case of an applicant who is a former resident.]

272 Sec. 7. Section 9-158f of the general statutes is repealed and the  
273 following is substituted in lieu thereof (*Effective October 1, 2009*):

274 (a) The voter, after marking his or her presidential ballot so as to  
275 express his or her choice, shall fold it so as to conceal the markings,  
276 and enclose it in an inner envelope furnished by the [town clerk]  
277 registrars of voters for such purpose. The envelope shall have  
278 imprinted upon its back a statement which shall be signed by the  
279 voter. The failure of the voter to date the statement shall not invalidate  
280 the ballot. Such statement shall be substantially as follows:

281 Certification of Presidential Voter

282 I, the undersigned, do hereby state under the penalties of false  
283 statement in absentee balloting that:

284 (1) I am qualified to vote for Presidential and Vice-Presidential  
285 electors in the town of .... Connecticut, at the presidential election to be  
286 held on November ..., 20...

287 (2) I have not applied, nor do I intend to apply, for a ballot to vote

288 for Presidential and Vice-Presidential electors at said election from any  
289 other town, city, county or state, and

290 (3) I have not voted, and I will not vote otherwise than by this ballot  
291 in said presidential election.

292 Dated at ..., this ... day of ... 20...

293 .... (Signature of voter)

294 (b) The overseas elector, after marking his or her overseas ballot so  
295 as to express his or her choice, shall fold it so as to conceal the  
296 markings and enclose it in an inner envelope furnished by the [town  
297 clerk] registrar of voters for such purpose. The envelope shall have  
298 imprinted upon its back a statement which shall be signed by the  
299 elector. The failure of the elector to date the statement shall not  
300 invalidate the ballot. The statement shall be substantially as follows:

301 Certification of Overseas Elector

302 I, the undersigned, do hereby state under the penalties of false  
303 statement in absentee balloting that:

304 (1) I am qualified to vote for candidates for federal office in the town  
305 of ..., Connecticut, at the federal election to be held on ..., 20...

306 (2) I have not applied, nor do I intend to apply, for a ballot to vote  
307 for candidates for federal office at said election from any other town,  
308 city or county in Connecticut or in any other state or election district of  
309 any state or territory or any territory or possession of the United States.

310 (3) I have not voted, and I will not vote otherwise than by this ballot  
311 in said federal election.

312 Dated at ..., this ... day of ..., 20...

313 .... (Signature of overseas elector)

314 Sec. 8. Section 9-158g of the general statutes is repealed and the  
315 following is substituted in lieu thereof (*Effective October 1, 2009*):

316 The voter shall sign the certification upon the inner envelope,  
317 securely seal it, enclose it in an outer serially-numbered envelope, and  
318 return it to the [municipal clerk] registrars of voters of the town in  
319 which [he] the voter is qualified to vote. [The clerk shall keep it in his  
320 office until delivered by him to the registrars of voters at the same time  
321 and in the same manner as is provided for absentee ballots.] If the  
322 ballot is returned by a person other than the voter or the United States  
323 Postal Service, the person delivering the ballot shall sign his or her  
324 name and address and the date and time of its delivery on the outer  
325 envelope in the [clerk's] registrars of voters' presence. The ballot, to be  
326 cast, shall be returned so that it is received by the [town clerk]  
327 registrars of voters not later than the close of the polls on the day of the  
328 election or primary.

329 Sec. 9. Section 9-158h of the general statutes is repealed and the  
330 following is substituted in lieu thereof (*Effective October 1, 2009*):

331 The [clerk] registrars of voters shall prepare and keep open to public  
332 inspection a list of all persons who have applied under sections 9-158a  
333 to 9-158m, inclusive, to vote as presidential voters or overseas electors  
334 with their names, voting addresses and application dates together with  
335 the serial number of the return envelopes issued, and shall maintain an  
336 alphabetical index of the list for a period of one hundred eighty days  
337 after the election or primary.

338 Sec. 10. Section 9-158i of the general statutes is repealed and the  
339 following is substituted in lieu thereof (*Effective October 1, 2009*):

340 The Secretary of the State shall prepare, print and distribute to the  
341 [town clerk] registrars of voters in each town in this state, a sufficient  
342 number of ballots and other necessary forms to be used by the persons  
343 eligible to vote for the offices of presidential electors or federal offices

344 under the provisions of sections 9-158a to 9-158m, inclusive. The words  
345 "Presidential Ballot" or "Overseas Ballot" shall appear on each such  
346 ballot and no such ballot shall afford any opportunity to vote for any  
347 office or officer except presidential electors or federal offices. The  
348 Secretary of the State may make any changes in any forms prescribed  
349 by, or provided for, in said sections which, in the opinion of the  
350 secretary, are necessary to cause said forms to conform to the  
351 provisions of applicable federal law.

352 Sec. 11. Section 9-158j of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective October 1, 2009*):

354 [Upon receipt of an application for a "Presidential Ballot" or  
355 "Overseas Ballot" the town clerk shall forthwith notify the registrars of  
356 voters of the applicant's name, with a notation designating him as a  
357 person voting for presidential and vice-presidential electors or federal  
358 offices only. If the name of a presidential voter who is a former  
359 resident appears on the registry list, the registrars shall insert the  
360 letters "pf" in the margin preceding his name. The registrars shall  
361 prepare a list of names and addresses of presidential voters and  
362 overseas electors whose names do not appear on the registry list, for  
363 each voting district, which list shall accompany the check list to be  
364 used at such election in such district. The registrars shall insert the  
365 letters "pf" in the margin of such list of presidential voters preceding  
366 the name of each applicant who is a former resident.]

367 (a) Upon receipt of a "Presidential Ballot", the registrars of voters  
368 shall insert the letters "pf" in the margin preceding the elector's name  
369 and address.

370 (b) Upon receipt of an "Overseas Ballot", the registrars of voters  
371 shall compile a list of those electors whose names do not appear on the  
372 registry list for each voting district. Such list shall accompany the  
373 official check list to be used at such election or primary where such  
374 ballots shall be counted in the district or central counting.

375 Sec. 12. Section 9-158l of the general statutes is repealed and the

376 following is substituted in lieu thereof (*Effective October 1, 2009*):

377 Any person wilfully making a false statement on any statement  
 378 required by sections 9-158a to 9-158m, inclusive, to be made in the  
 379 form of an affidavit or a statement under penalties of false statement in  
 380 absentee balloting, shall be subject to the penalties imposed by law for  
 381 such statements. If any public official wilfully refuses or neglects to  
 382 perform any of the duties prescribed by sections [9-140b, 9-140c and] 9-  
 383 158a to 9-158m, inclusive, or violates any of the provisions of said  
 384 sections, [he] such official shall be subject to the penalties imposed by  
 385 law.

386 Sec. 13. Section 9-158k of the general statutes is repealed. (*Effective*  
 387 *October 1, 2009*)."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	9-158a
Sec. 3	<i>October 1, 2009</i>	9-158b(a)
Sec. 4	<i>October 1, 2009</i>	9-158c(a) and (b)
Sec. 5	<i>from passage</i>	9-158d(a)
Sec. 6	<i>from passage</i>	9-158e(a)
Sec. 7	<i>October 1, 2009</i>	9-158f
Sec. 8	<i>October 1, 2009</i>	9-158g
Sec. 9	<i>October 1, 2009</i>	9-158h
Sec. 10	<i>October 1, 2009</i>	9-158i
Sec. 11	<i>October 1, 2009</i>	9-158j
Sec. 12	<i>October 1, 2009</i>	9-158l
Sec. 13	<i>October 1, 2009</i>	Repealer section